Resolution on employees' participation in companies with a European statute and other accompanying measures

2009/2549(RSP) - 12/03/2009 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 9 March 2009, the European Parliament adopted by 542 votes to 57, with 14 abstentions, a resolution on employees' participation in companies with a European statute and other accompanying measures. The resolution had been tabled by the EPP-ED, PES ALDE, and UEN groups.

Parliament calls on the Commission, on the basis of Article 138 of the EC Treaty, to initiate a consultation with the social partners, with a view to evaluating and where necessary streamlining, creating or reinforcing the provisions for employees' participation in the internal market.

It calls on the Commission to assess the following:

- the impact of the existing European company statutes and relevant rulings of the European Court of Justice (for example, the 'Daily Mail and General Trust', 'Sevic Systems', 'Inspire Art', 'Überseering', and 'Cartesio' cases) as regards employees' participation in boards of companies and possible avoidance or circumvention of the relevant national provisions;

- cross-border problems with regard to corporate governance, tax law and employees' financial participation in shareholding programmes related to the above-mentioned proposed consultation. A possible review and/or new proposals should be discussed with the Council and Parliament;

- whether to introduce a rule for the SPE statute according to which the reimbursement of a loan or other contribution by a shareholder should be subordinated where a contribution to the share capital would have been more appropriate (that is, in the case of over-indebtedness of the company itself). Parliament believes that consideration should be given to the introduction of a rule whereby the shareholder has to return the reimbursement received if it was paid within a period close to the insolvency of the company.